

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SEAN MAURICE DEAN,

Plaintiff,

v.

GARY WOODBURY,

Defendant.

Case No. 3:22-cv-00150-MMD-CSD

ORDER

Pro se Plaintiff Sean Maurice Dean brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig S. Denney (ECF No. 4), recommending that the Court dismiss this case without prejudice and deny Dean’s application to proceed *in forma pauperis* (“IFP Application”) as moot. Dean had until June 21, 2022, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, will dismiss this case, and deny the IFP Application as moot.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

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1 Because there is no objection, the Court need not conduct de novo review, and is
2 satisfied Judge Denny did not clearly err. Here, Judge Denny recommends the Court
3 dismiss the case without prejudice because Dean only seeks to bring a Sixth Amendment
4 claim against his former counsel for ineffective assistance of counsel, but he cannot in a
5 Section 1983 case. (ECF No. 4 at 1.) The Court agrees with Judge Denney. Having
6 reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

7 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
8 No. 4) is accepted and adopted in full.

9 It is further ordered that this case is dismissed—in its entirety—without prejudice.

10 It is further ordered that Dean's application to proceed *in forma pauperis* (ECF No.
11 1) is denied as moot.

12 The Clerk of Court is directed to enter judgment accordingly and close this case.

13 DATED THIS 27th Day of June 2022.

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MIRANDA M. DU
17 CHIEF UNITED STATES DISTRICT JUDGE
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